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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**JAN ELLIOTT,**

CV 06-601-AA

Plaintiff,

vs.

ORDER

**COMMISSIONER of Social Security,**

Defendant.

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Attorney fees in the amount of \$27,929.50 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds this is a reasonable fee. Previously, this court awarded \$9,274.22, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (\$5,000 in CV # 03-3111-MA and \$4,274.22 in CV # 06-601-AA). When issuing the § 406(b) check, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to Plaintiff's attorney **at his current address shown above** the balance of \$18,655.28, minus any user fee. Any amount withheld (including the EAJA fee offset) after all administrative and court attorneys fees are paid should be released to the claimant.

DATED this 12 day of February, 2009.

  
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United States District Judge

Presented by: /s/ Tim Wilborn, OSB # 944644  
(503) 632-1120; Attorney for Plaintiff